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David Jonathan Lachelt

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EXAMINER

KEEHN, RICHARD G

ART UNIT

PAPER NUMBER

2109

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/780,516

Applicant(s)

LACHELT ET AL.

Examiner

Richard G. Keehn

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/17/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/17/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

**Claims 1 – 27 are examined and pending.**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

Applicant cites Figure 2 as a prior art, but fails to disclose the source and has not submitted an Information Disclosure Statement.

### ***Drawings***

2. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the conditions required to move from state 414 to 418 in Figure 4, and fail to show the conditions required to move from state 412 to 414 in Figure 4, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

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made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because the label is missing on item 310 in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract mentions the use of the proxy and time delay, but fails to mention the "qualified success" response, which is essential to the invention.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 3-6, 14-17, and 22-24 recite the limitation "reset" in the claims. There is insufficient antecedent basis for this limitation in these claims. The term "reset" is used in the specification without clearly defining what is being reset and values to be reset to.

***Claim Rejections - 35 USC § 103***

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 7-13, 18-21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0139193 A1 (Refai et al.) as applied to claim 1 above, and, in some claims, further in view of US 2004/0267823 A1 (Shapiro et al.).

As to Claim 1, Refai et al. teach a method of activating a plurality of target elements in a computing arrangement (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests to a plurality of services), comprising:

receiving a high-level activation request pertaining to said plurality of target elements (Refai, Page 2, paragraphs 0019 and 0020 describe the work management module responding to the scheduler's high level activation request. Furthermore the policy module also receives a high level request pertaining to the target elements);

parsing said high-level activation request into a plurality of atomic requests (Refai, Page 2 paragraph 0020 describes the work management and policy modules working together to parse the high level request into smaller requests); and

Refai et al. do not teach, but Shapiro et al. teach receiving at time t1 a first atomic request of said plurality of atomic requests at a first journaling proxy, said first journaling proxy being associated with a first target element of said plurality of target elements (Shapiro, Page 3, paragraph 0038 describes the RFS proxy specific to the client device enabled that receives requests),

Refai et al. teach said first journaling proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies



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a set of predefined configuration parameters for said first target element (Refai, Pages 6 and 7, paragraph 0094 describes a delay until a time when resources are viable).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the individual proxy method taught by Shapiro et al. with task parsing and scheduling method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide individual proxies for various devices that are configured to each device's specific needs.

As to Claim 2, Refai et al. teach the method of claim 1 wherein said set of predefined configuration parameters for said first target element specifies a predefined time window within which said executing said first atomic request occurs (Refai, Page 4, paragraph 0059 describes predefining a time window within which to execute).

As to Claim 7, Refai et al. teach the method of claim 1 wherein only a subset of target devices that receive atomic requests parsed from said high-level request are associated with journaling proxies (Refai, Page 2 paragraph 0020 describes the work management and policy modules working together to parse the high level request into smaller requests).

As to Claim 8, Refai et al. do not teach, but Shapiro et al. teach the method of claim 7 wherein each target device of said subset is associated with a different journaling proxy (Shapiro, Figure 2, items 213, 220 and 226, along with text on Page 3, paragraphs 36 through 38 describe proxies individually dedicated to each target device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine dedicated proxies taught by Shapiro et al. with the atomic request method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide individual resource proxies dedicated to each target device because of differing needs or configurations of said individual target devices. Dedicated proxies, customized to the individual device would allow more efficient proxy execution, improved response, and flexibility to allow future device configurations to be adapted to the system.

As to Claim 9, Refai et al. teach the method of claim 1 further comprising sending a qualified success message from said first journaling proxy to said activation engine after said first atomic request is received at said first journaling proxy, said qualified success message enabling said activation engine to consider said high-level request a provisional success in order to attend to any other pending high-level activation request (Refai, Page 5, paragraph 0062-0063 describe the process of testing the potential success of an upcoming configuration job, and sending back that status so that further decisions can be made by the requestor. Then in paragraph 0066, the "listener module" is described as being able to send a signal that a resource(s) is missing at the time of attempted configuration command execution to the requesting device).

As to Claim 10, Refai et al. teach the method of claim 9 wherein said qualified success message is sent only after said first journaling proxy ascertains that said first

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target element is capable of performing all tasks specified by said first atomic request but for at least one unsatisfied parameter in said predefined configuration parameters. (Refai, Page 5, paragraph 0062-0063 describe the process of testing the potential success of an upcoming configuration job, and sending back that status so that further decisions can be made by the requestor. Then in paragraph 0066, the "listener module" is described as being able to send a signal that a resource(s) is missing at the time of attempted configuration command execution to the requesting device. By first requesting validation, then receiving the error from the listener module, one can detect that the target element is capable of performing all tasks specified by said first atomic task but for at least one unsatisfied parameter).

As to Claim 11, Refai et al. teach the method of claim 1 further comprising undoing all completed atomic tasks that have been completed pursuant to said high level activation request if said first target element is unable to complete said first atomic request when said first atomic request is executed at said first target element (Refai, Page 5, paragraph 0067 describes the ability to undo configuration changes with flexibility to specify which target(s) to undo).

As to Claim 12, Refai et al. teach an arrangement for activating a target element, comprising:

an activation engine (Refai, Page 2, paragraph 0019, the scheduler is an activation engine); and

a journaling proxy (Refai, Page 2, paragraph 0019, the work management module is a proxy) coupled to said activation engine and said target element (Refai,

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Page 2, paragraph 0019, the network target entities are the target elements), said journaling proxy being configured to receive an atomic request from said activation engine at time t1, said journaling proxy intentionally delaying sending said atomic request to said target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said target element (Refai, Pages 6 and 7, paragraph 0094 describes a delay until a time when resources are viable).

As to Claim 13, Refai et al. teach the arrangement of claim 12 wherein said set of predefined configuration parameters for said target element specifies a predefined time window within which said executing said atomic request occurs (Refai, Page 4, paragraph 0059 describes predefining a time window within which to execute).

As to Claim 18, Refai et al. teach the arrangement of claim 12 wherein said journaling proxy is configured to send a qualified success message to said activation engine after said atomic request is received at said journaling proxy, said qualified success message enabling said activation engine to consider said high-level request a provisional success in order to attend to any other pending high-level activation request (Refai, Page 5, paragraph 0062-0063 describe the process of testing the potential success of an upcoming configuration job, and sending back that status so that further decisions can be made by the requestor. Then in paragraph 0066, the "listener module" is described as being able to send a signal that a resource(s) is missing at the time of attempted configuration command execution to the requesting device).

As to Claim 19, Refai et al. teach the arrangement of claim 18 wherein said qualified success message is sent only after said journaling proxy ascertains that said

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target element is capable of performing all tasks specified by said atomic request but for at least one unsatisfied parameter in said predefined configuration parameters. (Refai, Page 5, paragraph 0062-0063 describe the process of testing the potential success of an upcoming configuration job, and sending back that status so that further decisions can be made by the requestor. Then in paragraph 0066, the "listener module" is described as being able to send a signal that a resource(s) is missing at the time of attempted configuration command execution to the requesting device. By first requesting validation, then receiving the error from the listener module, one can detect that the target element is capable of performing all tasks specified by said first atomic task but for at least one unsatisfied parameter).

As to Claim 20, Refai et al. teach an article of manufacture comprising a program storage medium having computer readable code embodied therein (Refai, Figures 3B, 5, 6 and 7 demonstrate that the invention is implemented using computer readable code on program storage medium. This comparison applies to Claim 20 and all of its dependent claims), said computer readable code being configured to activate a target element in a computing arrangement, comprising:

computer readable code for receiving an atomic request at a journaling proxy (Shapiro, Page 3, paragraph 0038 describes the RFS proxy specific to the client device enabled that receives requests) from an activation engine (Refai, Page 2, paragraphs 0019 and 0020 describe the work management module responding to the scheduler's high level activation request); and

computer readable code for intentionally delaying execution of said atomic request by said target element until a time that satisfies a set of predefined configuration parameters for said target element (Refai, Pages 6 and 7, paragraph 0094 describes a delay until a time when resources are viable). Refai et al. do not teach, but Shapiro et al. teach computer readable code for receiving an atomic request at a journaling proxy.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the individual proxy method taught by Shapiro et al. with task parsing and scheduling method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide individual proxies for various devices that are configured to each device's specific needs.

As to Claim 21, Refai et al. teach the article of manufacture of claim 20 wherein said set of predefined configuration parameters for said target element specifies a predefined time window within which said executing said atomic request occurs. (Refai, Page 4, paragraph 0059 describes predefining a time window within which to execute).

As to Claim 25, Refai et al. teach the article of manufacture of claim 20 further comprising computer readable code for sending a qualified success message from said journaling proxy to said activation engine after said atomic request is received at said journaling proxy, said qualified success message enabling said activation engine to consider a high-level request that contains said atomic request a provisional success in order to attend to any other pending high-level activation request (Refai, Page 5, paragraph 0062-0063 describe the process of testing the potential success of an

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upcoming configuration job, and sending back that status so that further decisions can be made by the requestor. Then in paragraph 0066, the "listener module" is described as being able to send a signal that a resource(s) is missing at the time of attempted configuration command execution to the requesting device).

As to Claim 26, Refai et al. teach the article of manufacture of claim 25 wherein said qualified success message is sent only after said journaling proxy ascertains that said target element is capable of performing all tasks specified by said atomic request but for at least one unsatisfied parameter in said predefined configuration parameters (Refai, Page 5, paragraph 0062-0063 describe the process of testing the potential success of an upcoming configuration job, and sending back that status so that further decisions can be made by the requestor. Then in paragraph 0066, the "listener module" is described as being able to send a signal that a resource(s) is missing at the time of attempted configuration command execution to the requesting device. By first requesting validation, then receiving the error from the listener module, one can detect that the target element is capable of performing all tasks specified by said first atomic task but for at least one unsatisfied parameter).

As to Claim 27, Refai et al. teach the article of manufacture of claim 20 further comprising undoing all completed atomic tasks that have been completed pursuant to said high level activation request if said target element is unable to complete said atomic request when said atomic request is executed at said target element (Refai, Page 5, paragraph 0067 describes the ability to undo configuration changes with flexibility to specify which target(s) to undo).

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Claims 3-6, 14-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0139193 A1 (Refai et al.) as applied to claim 1 above, and further in view of Rockwell Automation's Non-Patent Literature publication 1785-6.1 (Rockwell).

As to Claim 3, Refai et al. teach the method of claim 1 wherein said first atomic request includes resetting said first target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said resetting only occurs after a predefined number of reset-containing requests for said first target element are accumulated by said first journaling proxy since said first target element was last reset (Rockwell, Page 2-19 shows the operation of the CTU instruction which counts up a configurable number of events), said resetting only occurs once at said first target element for said predefined number of reset-containing requests (Rockwell, Page 2-19 shows the operation of the CTU instruction which after counting up a configurable number of events, sends the DN signal which indicates that the number of events received matches the configurable preset held in the Preset register).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the counting method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to improve resetting efficiency by waiting until a specified number of reset requests occurred.



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As to Claim 4, Refai et al. teach the method of claim 1 wherein said first atomic request includes resetting said first target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said resetting of said first target element only occurs after an expiration of a predefined time period since said first target element was last reset (Rockwell, Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the timing method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to improve resetting efficiency by waiting until a specified amount of time had elapsed.

As to Claim 5, Refai et al. teach the method of claim 1 wherein said first atomic request includes resetting said first target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said resetting only occurs after an expiration of a predefined time period since said first atomic request is received by said first journaling proxy (Rockwell, Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which

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indicates that the number of time units counted matches the configurable preset time held in the Preset register. The start of time count is when the time rung goes true, which can be triggered by any event including the time when the first atomic request is received by said first journaling proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the timing method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to monitor the amount of time a request takes and base a reset delay on the triggering of the event of an excess of elapsed time.

As to Claim 6, Refai et al. teach the method of claim 1 wherein said first atomic request includes resetting said first target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said time  $t_2$  occurs responsive to a first occurrence of one of a first event and a second event, said first event representing an accumulation of a predefined number of reset- containing requests for said first target element by said first journaling proxy (Rockwell, Page 2-19 shows the operation of the CTU instruction which after counting up a configurable number of events, sends the DN signal which indicates that the number of events received matches the configurable preset held in the Preset register), said second event representing an expiration of a predefined time period since said first atomic request is received by said first journaling proxy (Rockwell Page 2-49 shows the operation of the

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TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register. The start of time count is when the time rung goes true, which can be triggered by any event including the time when the first atomic request is received by said first journaling proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the counting and timing methods taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to monitor the amount of time a request takes and base a reset delay on the triggering of the event of an excess of elapsed time; and to monitor the amount of time a request takes and base a reset delay on the triggering of the event of an excess of elapsed time.

As to Claim 14, Refai et al. teach the arrangement of claim 12 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said resetting only occurs after a predefined number of reset-containing requests for said target element are accumulated by said journaling proxy since said target element was last reset (Rockwell, Page 2-19 shows the operation of the CTU instruction which counts up a configurable number of events), said resetting only occurs once at said target element for said predefined number of reset-containing requests (Rockwell, Page 2-19 shows the operation of the

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CTU instruction which after counting up a configurable number of events, sends the DN signal which indicates that the number of events received matches the configurable preset held in the Preset register).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the counting method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to improve resetting efficiency by waiting until a specified number of reset requests occurred.

As to Claim 15, Refai et al. teach the arrangement of claim 12 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said resetting only occurs after an expiration of a predefined time period since said target element was last reset (Rockwell, Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the timing method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to improve resetting efficiency by waiting until a specified amount of time had elapsed.

As to Claim 16, Refai et al. teach the arrangement of claim 12 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said resetting only occurs after an expiration of a predefined time period since said atomic request is received by said journaling proxy (Rockwell, Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register. The start of time count is when the time rung goes true, which can be triggered by any event including the time when the first atomic request is received by said first journaling proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the timing method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to monitor the amount of time a request takes and base a reset delay on the triggering of the event of an excess of elapsed time.

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As to Claim 17, Refai et al. teach the arrangement of claim 12 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said time t2 occurs responsive to a first occurrence of one of a first event and a second event, said first event representing an accumulation of a predefined number of reset- containing requests for said target element by said journaling proxy (Rockwell, Page 2-19 shows the operation of the CTU instruction which after counting up a configurable number of events, sends the DN signal which indicates that the number of events received matches the configurable preset held in the Preset register), said second event representing an expiration of a predefined time period since said atomic request is received by said journaling proxy (Rockwell Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register. The start of time count is when the time rung goes true, which can be triggered by any event including the time when the first atomic request is received by said first journaling proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the counting and timing methods taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to monitor the amount of time a request takes and

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base a reset delay on the triggering of the event of an excess of elapsed time; and to monitor the amount of time a request takes and base a reset delay on the triggering of the event of an excess of elapsed time.

As to Claim 22, Refai et al. teach the article of manufacture of claim 20 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said computer readable code for said intentionally delaying includes computer readable code for permitting resetting of said target element only after a predefined number of reset-containing requests for said target element are received said journaling proxy since said target element was last reset (Rockwell, Page 2-19 shows the operation of the CTU instruction which counts up a configurable number of events), said resetting only occurs once at said target element for said predefined number of reset-containing requests (Rockwell, Page 2-19 shows the operation of the CTU instruction which after counting up a configurable number of events, sends the DN signal which indicates that the number of events received matches the configurable preset held in the Preset register).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the counting method taught by Rockwell with the task resetting method taught by Refai et al.

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One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to improve resetting efficiency by waiting until a specified number of reset requests occurred.

As to Claim 23, Refai et al. teach the article of manufacture of claim 20 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph 0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said computer readable code for said intentionally delaying includes computer readable code for permitting resetting of said target element only after an expiration of a predefined time period since said target element was last reset (Rockwell, Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the timing method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to improve resetting efficiency by waiting until a specified amount of time had elapsed.

As to Claim 24, Refai et al. teach the article of manufacture of claim 20 wherein said atomic request includes resetting said target element (Refai, Page 2, paragraph



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0019 describes a plurality of configuration requests which would include reset functions),

Refai et al. do not teach, but Rockwell teaches said computer readable code for said intentionally delaying includes computer readable code for permitting resetting of said target element only after an expiration of a predefined time period since said atomic request was received by said journaling proxy (Rockwell, Page 2-49 shows the operation of the TON instruction which after counting up a configurable number of time units, sends the DN signal which indicates that the number of time units counted matches the configurable preset time held in the Preset register. The start of time count is when the time rung goes true, which can be triggered by any event including the time when the first atomic request is received by said first journaling proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the timing method taught by Rockwell with the task resetting method taught by Refai et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to monitor the amount of time a request takes and base a reset delay on the triggering of the event of an excess of elapsed time.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These include:

- US 2005/0097186 A1 – Describes the use of individual target device proxies to aid in configuration of target devices.
- US 2005/0144277 A1 – Describes proxy used to facilitate configurations that need to be synchronous or can be asynchronous with the requesting device. Also describes the use of individual target device proxies to aid in configuration of target devices.
- US 2005/0132086 A1 – Describes the use of target device proxies to aid in configuration of target devices that report back intermediary status information.

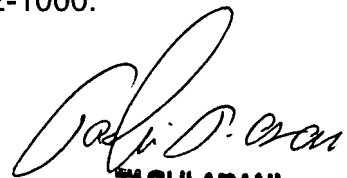
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-5007. The examiner can normally be reached on Monday through Thursday, 7:30am - 6:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

  
**TAGHI ARANI**  
**PRIMARY EXAMINER**  
9/21/07